

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOVICK,

Plaintiff,

- against -

PROSHARES TRUST, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

For the reasons stated on the record at today's hearing, the defendants' motion to consolidate the thirty-three related ProShares proposed class actions for all purposes is **granted**. The Court will accept further briefing on whether Schnall v. ProShares Trust, 10 Civ. 3042, should be consolidated with the other actions. The plaintiffs' motions to consolidate are **denied**. The pending motions to appoint lead plaintiff in the various related actions are **denied without prejudice**. Any party wishing to serve as lead plaintiff in the consolidated action may make a motion for appointment as lead plaintiff by **May 7, 2010**. Responses are due by **May 21, 2010**. Replies, if any, are due by **May 28, 2010**. The opposition of the Schnall plaintiffs to consolidation is due **April 30, 2010**; the reply is due **May 7, 2010**.

This Order will be provided to counsel in all of the related actions. After consultation with plaintiffs' counsel, defense counsel will provide the Court by **April 27, 2010** with a

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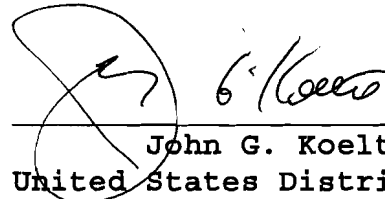
09 Civ. 6935 (JGK)

ORDER

list of all motions to be closed by this Order, together with a proposed Order creating a master docket for the related cases.

SO ORDERED.

Dated: New York, New York
April 23, 2010



John G. Koeltl
United States District Judge